STATUTORY INSTRUMENTS

1988 No. 1989 (N.I. 22)

The Education (Unrecognised Degrees) (Northern Ireland) Order 1988 [F1]

- - - - - - *14th November 1988*

Annotations:
F1 functions transf. by SR 1999/481

Title and commencement

1.—(1) This Order may be cited as the Education (Unrecognised Degrees) (Northern Ireland) Order 1988.

(2) This Order shall come into operation on the expiration of 21 days from the day on which it is made.

Interpretation

2.—(1) The Interpretation Act (Northern Ireland) 1954[F2] shall apply to Article 1 and the following provisions of this Order as it applies to a Measure of the Northern Ireland Assembly.

(2) In this Order—

"the Department" means the Department of Education;

"recognised award" has the meaning assigned to it by Article 3(2).

Annotations:
F2 1954 c. 33 (NI)

Unrecognised degrees

3.—(1) Any person who, in the course of business, grants, offers to grant or issues any invitation relating to any award—

(a) which may reasonably be taken to be an award granted or to be granted by a United Kingdom institution; and

(b) which either—

(i) is described as a degree; or

(ii) purports to confer on its holder the right to the title of bachelor, master or doctor and may reasonably be taken to be a degree;

shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 5 on the standard scale.

(2) Paragraph (1) does not apply as respects anything done in relation to any recognised award; and for the purposes of this Order a "recognised award" means—

(a) any award granted or to be granted by a university, college or other body which is authorised by Royal Charter or Act of Parliament to grant degrees;

(b) any award granted or to be granted by any body for the time being permitted by any body falling within sub#paragraph (*a*) to act on its behalf in the granting of degrees; or

(c) such other award as the Department may by order designate as a recognised award for the purposes of this Article.

(3) An order under paragraph (2)(*c*) may designate as a recognised award either—

(a) a specified award granted or to be granted by a person named in the order; or

(b) any award granted or to be granted by such a person.

(4) Where in any proceedings for an offence under this Article it is shown—

(a) that the defendant granted, offered to grant or issued an invitation relating to an award; and

(b) that an address in the United Kingdom was given in any document issued by the defendant certifying the granting of the award or containing the offer or invitation in question;

the award shall be presumed to fall within paragraph (1)(*a*) unless it is shown that the defendant took reasonable steps to inform the person to whom the award was granted or any member of the public or particular individual to whom the offer or invitation was addressed that the award was not granted or to be granted by a United Kingdom institution.

(5) In any proceedings for an offence under this Article it shall be a defence for the defendant to show—

(a) that the award in question was granted or to be granted by virtue of authority conferred on or before 5th July 1988 by a foreign institution on the body granting the award; and

(b) that the defendant took reasonable steps to inform the person to whom the award was granted or any member of the public or particular individual to whom the offer was addressed that the award was granted or was to be granted by virtue of authority conferred by a foreign institution.

(6) For the purposes of paragraph (5), where—

(a) on or before 5th July 1988 authority was conferred by a foreign institution on a body to grant awards of any description for a period expiring after that date; and

(b) new authority is conferred by the institution (whether before or after the expiry of that period) on the body to grant awards of that description;

the new authority shall be taken to have been granted on or before that date.

(7) Proceedings for an offence under this Article shall not be instituted except by or on behalf of the Department of Economic Development or the Attorney General.

(8) Nothing in this Article shall apply in relation to the granting of an award to a candidate who—

(a) before 12th May 1988 began to undertake a course of education approved by the person granting the award in preparation for an examination to qualify for the award; and

(b) whether before or after that date, passes the examination;

and in this paragraph "examination" includes any form of assessment and the reference to passing an examination shall be construed accordingly.

(9) For the purposes of this Article—